TALK TO CONVENTION OF
INTERNATIONAL ASSOCIATION OF CHIEFS OF POLICE
New York City, 28 September 1959
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"LAW ENFORCEMENT IN SOVIET RUSSIA"

It is a great privilege for me to be with you and to extend the greetings of the US intelligence community to this conference.

In choosing my topic I elected not to give a talk on the menace of International Communism and its nefarious activities in the free world. I really thought this would be carrying coals to Newcastle. I cannot see myself adding significantly to your knowledge in this area in a 25-minute address.

I have chosen to use my time to take a look with you inside the Soviet Union to explore some of the developments there in your field of specialization. I hope in so doing to contribute slightly to your realistic understanding of this powerful state, balancing the good and evil and skipping the luxury of vituperation and polemics of which we have all had a bellyful in the past fortnight.

There used to be a saying that the entire population of Russia could be divided into three parts: those going to jail, those already in jail, and those who just got out.

This was an exaggeration, of course, though with a grain of truth when we think of the police terror and mass arrests which Stalin used to keep the people in line. The days of the blood purge are now gone from the Russian scene, and we hope forever. In the years since Stalin died, the Kremlin has made some real progress in breaking the almost unbelievable

power which the police enjoyed under Stalin and Beria.

The Special Board of the Ministry of Internal Affairs, the infamous secret tribunal that dealt in strict secrecy with political offences, before which there was no right to confront witnesses or to have counsel and from which there was no appeal was quietly abolished right after Beria's arrest three months after Stalin's death.

Moreover all convictions under that Board were reviewed by either military or regular courts and those still alive were returned to society and the less fortunate non-survivors given posthumous "rehabilitation."

There should be no underestimating the significance of this step. The fear and loathing of the Soviet people, including good Communists, for the secret police and their sinister tribunals was universal. We believe this extended right up to the ruling presidium itself and that there is reason to expect as well as to hope that this terror apparatus will not be reestablished. In fact many students of Soviet affairs are convinced that strong as the regime is it could not reinstitute this key element of terror without provoking a deep and possibly explosive reaction.

Article 58 making criminal any act tending "toward the undermining or weakening. . . of the proletarian revolution" is seldom used and the infamous subsection of that article visiting punishment on close relatives of deserters has been in fact repealed. The important point is that such trials as do now occur under it are public and the defendants, instead of being tortured into filing phony pleas of guilty, defend themselves vigorously if not successfully as in the case a while ago of several people convicted under this article for advocating Zionism.

Most impressive is the assertion, which we have reason to believe is true, that the number of persons in detention has shrunk to less than a third the number at the time of Stalin's death. At least half of these were sentenced since then, so 5/6th of those in durance vile in March 1953 would appear to have been set free.

Just what the aggregate figure of Soviet citizens in prisons and labor camps is today we frankly don't know. Soviet officials have admitted to 800,000 or four times our own prison population. Whether the Soviet figure should be taken at face value or not we believe it is far nearer the truth than the figures in the multimillions publicised from time to time in polemics.

The fact is that since civil engineering and the extractive industries have become modernized in the USSR, slave labor does not pay. A nominally free citizen at work in the economy was far more desirable than an inmate of a slave labor camp.

None of the present prison population is any longer under the jurisdiction of the Secret Police (MVD) and so its proprietary interest in their exploitation is ended. Now the Ministry of Justice has full jurisdiction. The institutions are divided into corrective labor colonies and prisons. The former are being constructed slowly to the end that prisoners shall be located in their home regions but the remote camps in the Arctic North and Siberia are not all closed down as yet.

Correction colonies so called appear to display many characteristics of model penal institutions; educational opportunities to include receiving high school diplomas, recreation facilities including library and athletic facilities, wages for work that permit the prisoner to send home fairly substantial monthly sums and possibly most interesting of all quarterly visits of several days' duration by the prisoner's family.

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Yet with all these improvements, the Soviet Union remains a communist dictatorship, and its consept of law is completely different from anything we know here in the Western world. The primary function of the Soviets' legal system is, in their own words, "to protect the social and political structure of the USSR." The Soviet court is not supposed to administer justice impartially, but is called upon to "educate the citizens in a spirit of boundless devotion to the homeland and to the cause of communism." Soviet law does not safeguard the fundamental liberties of the individual; it is designed to preserve and increase the power of the state. And whereever such a system exists, you are going to find tough legal provisions which grate against the nerves of the people. For example; the defendant in a Soviet criminal case is not presumed to be innocent until his guilt is proved. He will not have a trial by jury; there is no such thing in the Soviet Union. It is also very unlikely that he can

win acquittal with a good lawyer because defense attorneys in the USSR don't really defend their clients as we understand the term. The point out extenuating circumstances to the court, and help to show the defendant that he has wandered from the straight and nar ow path of communism.

This is easy to do because there are so many acts which are unlawful. Murder, robbery, assault and the other common crimes, of course, are on Soviet statutes, but so are a number of things which would never pass for crimes in a Western society. Speculation is one of these. This consists of buying up goods at one price and selling them for a profit; we would call it retail merchandising. Making war propaganda in any form is considered a crime against the state but this one obviously isn't very rigorously enforced. And a couple of weeks ago, Pravda ran an article about a young lad who was arrested by the secret police for committing still another anti-state crime. He had spread "hostile rumors" that he had picked up from listening to foreign news broadcasts. These cases strike us as rather ridiculous, but they are punishable in the USSR with as much as 15 years imprisonment.

Given such a stringent set of laws, the job of the Soviet policeman should be quite busy but relatively simple. It is complicated, however, by the rather peculiar outcome of Khrushchev's campaign to break the back of the Stalinist police empire. As I mentioned a moment ago, this campaign was successful, but it was accompanied by a major propaganda drive to prove to the people that the days of police terror were finally over. At this point the Kremlin apparently went a little too far. In its effort to make itself popular Khrushchev's new regime painted such a black picture of the past that two things happened. The common people lost some of their dread fear but none of their traditional hatred of the police.

The law enforcement agencies themselves were demoralized. Despite a rather feeble attempt to repair the damage with propaganda praising their loyalty and efficiency, the morale of the Soviet police still seems to be quite low. There is no real esprit de corps among them, no sense of being the "pride of the finest." This, of course, has its negative effect on law enforcement and certainly does nothing to discourage crime. As for the people themselves, they may respect the laws of their country to some extent, but the most common attitude toward the patrolmen on the beats is indifference, and sometimes open disrespect which borders on contempt.

It is bad enough, I suppose, to work in law enforcement under these circumstances. What makes it worse is the rate of crime in the Soviet Union. This is something about which Moscow has always been very close-mouthed, and with good reason. The standard party line claims that crime results from capitalism and the exploitation of the working man. Under communism, there is no exploitation, and thus all the causes of crime have been eliminated. If this were true, the logical conclusion is that crime cannot exist in the USSR. Of course, this line of reasoning is a lot of Marxist nonsense which only makes the existence of crime an embarrassing fact for the Kremlin to admit. In point of fact, the Soviet leaders are no closer to solving the problem than they were when they came to power 42 years ago.

They say that they have succeeded in reducing crime, and they sometimes reduce the size of the police apparatus in various places on the grounds that there is not enough crime to keep the police busy. We feel that these claims of reduced crime rates are primarily propaganda for home consumption. We have no real evidence that crime in Russia has dropped

to any appreciable extent, and a little later I'll give you our reasons for thinking that it might actually be on the increase.

The Soviets never publish crime statistics; in contrast to the United States, where we are open and above board about our shortcomings--and where crime stories make good copy--accounts of robberies or murders very seldom appear in the tightly censored Russian press. When they do, they are usually accounts of "show" trials and are intended primarily as warnings to would-be lawbreakers that retribution will be swift and decisive. Those few crimes which the Soviets admit to are always blamed on what they call "the remnants of capitalism in the minds of the people." If they really believe this, they have to admit that the capitalist spirit in Russia is not nearly so dead as Mr. Khrushchev would like it to be. The truth of the matter is that the very nature of a communist society is probably as much to blame for crime as any other factor. I don't want to burden you with a description of the workers' paradise, but a couple of factors are worth keeping in mind. In the first place, the USSR does not have the classless society of which Marx dreamed by any stretch of the imagination. The economic gap between the common working man and the executive is much greater than that in this country. Regardlessof all the high-sounding propaganda, the people are not equal. They are divided into the "haves" and the "have nots." For over forty years now, the Soviet Union has concentrated on building up a powerful heavy industry. The production of consumers' goods has never met demand, and those goods which have been produced are so highly priced that they are beyond the reach of the average

worker. Therefore, the elite -- the managers and communist party big-wigs -- get them. Human nature being what it is, people have a natural desire for the better life -- for a washing machine, a new TV, a refrigerator or a car. But there is for the Russian worker the very serious problem of money. In addition, living conditions in major Soviet cities are terribly overcrowded, and those of you who head police departments in large American cities know what that can mean.

Against this very general background, what we have been able to piece together about crime in the Soviet Union becomes fairly understandable. As you may already have guessed, robbery is by far the most common crime with which the Soviets have to contend. Embezzlement, murder and speculation are next in order of frequency. Of the four most commonly committed crimes, three have as their object the obtaining of money or goods -- or both. Fraud and bribery are also high on the list, and recently there has been a rather marked increase in the incidence of moonshining. Russians are traditionally hearty drinkers and moonshining has always been common. Mr. Khrushchev's recent edicts cutting down on the sale of vodka have apparently led increasing numbers of his thirsty and enterprising citizens to brew their own booze.

Misdemeanors are lumped into the broad category of "hooliganism." This equates generally to disturbing the peace, and the most frequent offense is being drunk. Drinking is a serious problem both socially and economically. Moscow claims that 70 percent of the major crimes are committed by persons under the influence of alcohol, and about 40 percent of Moscow's traffic accidents are attributable to drunkenness of drivers or pedestrians. The regime also considers drinking dangerous because it results in absenteeism and poor work on the job.

How many crimes are committed by juveniles we don't know, but the Kremlin's claim that it is less than 5 percent should be swallowed with a very large grain of salt. They have just as much trouble with juvenile delinquency as anybody else, and maybe more. Once again, the Soviet system seems to bear a large share of the blame. In almost all Russian families, both father and mother have to work to make ends meet. The kids, from their earliest years, do not receive their full share of parental guidance and family life. For the most part whatever sense of belonging they have comes from the state nurseries. Many only finish 7-year schools, and are free of such home ties as they have by the time they are 15. They run in street gangs and get pretty rough at times. I don't know how many of you read Harrison Salisbury's article on Russian social ills in the New York Times last week, but his description of one such gang is worth repeating. A group of young hoodlums cornered the son of an army colonel at a new housing development and solicited his hel in robbing his father's apartment. When the boy refused, they pinned him against the wall and broke his legs with a sledge hammer. One evening a couple of months ago, another gang knifed and drowned a husband and raped his wife.

I don't want to imply that such cases are typical of Soviet youth or even of Soviet juvenile delinquents. But they do serve to illustrate the problems the Kremlin is running into with the younger members of that generation which grew up entirely under communism. The majority of those kids whom we would classify as delinquents are characterized by their non-conformism. They are known as the "stilyaga," a take-off on the Russian word for style, because they are habitually flashy dressers. They favor loud sport jackets and ties, pegged pants and crepe-soled shoes.

They are avid fans of rock-and-roll, and an American jazz record is a prized possession. It is no secret that they mimic western styles and are constantly on the look-out for any item manufactured in the West. It can be anything from a fountain pen to a piece of chewing gum, and they are willing to pay fantastic prices for such souvenirs. According to the Soviet press, the stilyagi are not very much inclined to go to work in factories, but want to spend their time drinking, listening to rock and roll music, and disturbing the peace in general.

When these kids are apprehended for committing a crime, they are tried in an adult court if they are 16 or over. In cases of the major crimes of murder, rape and assault with a deadly weapon, the legal age of responsibility is 14. It is not a crime to dance rock and roll or to imitate Western styles or manners; however, these habits are anti-social by Soviet standards, and this is just one step away from anti-Soviet behavior. For this, the kids sometimes get some very special attention.

As you can see, the police have enough to worry about just trying to enforce the law under conditions which are far from the best. They are organized for the job in much the same way that your own departments are, with one major exception. Police forces in Russian towns and cities are subordinate to the local government, but at the same time are directed from Moscow. All police departments are a part of the chief directorate of militia of the USSR internal affairs ministry--the MVD. This situation would be the same as having your departments working simultaneously for the city and for the Department of Justice here in Washington.

Incidentally, the word "militia" does not mean the same thing to the Russians as it does to us. This is simply another reflection of the peculiar Marxist way of thinking. It seems that "police" is a capitalist word--and therefore one which cannot be applied to a communist institution. "Militia" is their substitute; but it means nothing more nor less than "police."

The militia department of a Soviet city has a central headquarters and subordinate precinct stations. The force is divided into several units including the regular street patrol, a criminal investigation

department, traffic safety and automobile inspection units, motorcycle squads, harbor police, and a squad which specializes in combatting speculation and theft of state property. There is also a section for internal passport control. All Soviet citizens over 16 years of age are required by law to carry a passport at all times. This is the basic identity document and must be produced on demand. If a citizen visits another city for a period exceeding three days, he must register his presents and prove his identity with the police. If he moves permanently, he must check out with the police on departure and register at the nearest station house on arrival at his new home.

The size of the establishment is illustrated by the case of Leningrad, a city of roughly 3,000,000, which has a force of 8,500 or one per 350 inhabitants. This compares with 2.61 per 1000 for Chicago, 3.90 per 1000 for Boston, and 1.98 per 1000 for Cleveland.

Life on a Soviet police beat is not much different from that in either countries. However, under normal conditions, officers do not carry sidearms, but walk their beats equipped only with night sticks and whistles. This may have something to do with the rather marked reluctance of the individual militiaman to tackle superior members of boisterous citizens. It is not very unusual in Russia to see a group of drunks late at night drinking and singing at the tops of their voices, with a nearby policeman rather pointedly ignoring the whole proceeding. And speaking of drunks, Russian police apparently do not look them up until they are sober. The over-tipsy individual is deposited by the officer on the beat at a curious thing called the "sobering up station." Whatever the techniques employed on the victim, they apparently work. The drunk emerges after a couple of hours in a somewhat shaken but relatively sober state.

To continue in a more serious vein, information of any kind about the Soviet Union has always been very hard to come by and detailed information on the workings of the police is next to impossible to obtain. We do know that at least in the major cities, the police enjoy the benefits of the latest developments in scientific crime detection and that they employ the time tested methods of criminology used the world over. Fingerprinting, "mug books" of known criminals, police radio nets and interrogations of suspects are as common to them as to us. They also make use of what is probably the world's most highly developed system of informers. Just to give you an example, every apartment house has a sort of major domo, and every city block has a "block chairman." These people plus the maids in hotels habitually report to the police on the comings and goings of the people they serve.

The civil police evidently do not do much plain-clothes work. This kind of activity seems to be almost the exclusive province of another law enforcement agency which I have deliberately not mentioned up to this point.

The Soviet secret police are in a class by themselves. They are now known as the KGB, or Committee of State Security. By any name, they are one of the most efficient police forces in the world. Their business is spying and they are tops at it. They spy on us, on our allies, and on their own people. The Russian citizen may sometimes show considerable disrespect for the civil police, but he has a real fear and a healthy respect for the KGB.

Charged only with safeguarding the security of the Soviet state, the secret police enforce laws dealing with anti-state crimes. These include such acts as treason, espionage, sabotage, draft evasion, inciting to

riot, illegal entry into and exit from the country, and revealing state secrets. A few moments ago I mentioned that Soviet kids who too closely mimic Western styles and habits sometimes get special treatment. They are hauled in by the KGB, and in most instances, a single session with the secret police is quite sufficient to stop whatever kind of anti-social behavior they have been up to.

I realize that this is a very sketchy description of the KGB, but I think you will appreciate why this must be.

During the past year, there have been some very peculiar developments in the field of Soviet law enforcement, and these lead us to believe that perhaps crime and certainly misdemeanors are on the increase. Several organizations which amount to vigilante committees have taken over some of the minor functions of law enforcement. Squads of volunteer police have been formed in almost all cities, and patrol the streets after working hours. Their job is the apprehension of drunks, breaking up loud and boisterous groups, and bringing in any "hooligans" they are able to catch. This is no easy task. At least one member of the volunteers has already been murdered, and several have been rather severely beaten and knifed.

General meetings of the residents of a block of apartments or of a given street have been empowered to enforce so-called "anti-parasite" laws against any of their neighbors who are not inclined to work for the common cause. Such persons as speculators and general loafers can be exiled to remote areas for as long as 5 years by these meetings. The latest innovation in this line is the "comrade's court." This is also a citizen's group, formed primarily in factories and shops. When

a worker is chronically drunk, or beats his wife or is frequently absent from work, he is hailed before the comrades' court. There he is subjected to the embarrassment of having his misdeeds aired in public, and is subjected to monetary fines. More serious offenders are bound over to the regular police.

Obviously, the chances of injustice are very great. If you don't like the guy down the street, denounce him before a session of the comrades' court. Why, then, have these organisations come into existence? Marxist philosophy teaches that as communism approaches, the state apparatus will begin to "wither away" and will disappear under conditions of full communism. Soviet propaganda justifies these vigilante committees by calling them signs of this process: state functions are beginning to be turned over to the public as the state begins to wither. This, too, is a lot of nonsense. The real reasons seem to be to pressure the people into social conformity, into the common mold, to force the population out of its apathy toward crime, and to help the civil police combat drunkenness and hooliganism. A few days ago the Minister of Justice of the Russian republic stated at a press conference that the police force had been cut by 40% because crime had dropped so much. It may be true that some cuts have been made. How many patrolmen were taken off their beats remains to be seen. At the same time, the justice minister admitted that robbery, public disorders, brawls and drunkenness head the list of crimes in his republic. We will believe that crime has dropped if and when they publish crime statistics, which are still considered a state secret, and when we have some real reason to believe that these statistics are accurate and complete.

Soviet law enforcement does not stop with the apprehension of a criminal. The whole communist concept of legality plays a major role in his court trial and sentencing. Once a suspect has been arrested, there begins a period of pre-trial investigation, during which the state prosecutor, or the equivalent of our district attorney, prepares his basic case. Only when this process has been completed -- in about 10 days or two weeks -- does the accused receive the right to a defense attorney. The defense counsellor has a right to review all evidence in preparing his defense, but please bear in mind what we said before about the role he will play when the case comes to court. His primary duty is not to defend the suspect, but to help him see how he went wrong.

The case is tried before one judge and two assistant judges known as assessors. All three are elected officials, and the only requirements they must meet to sit on the bench are to be 25 or older and to have the right to vote. They need not have any legal training, and they don't have to worry about any fine points of law which crop up, because their work is "guided" by the state prosecutor.

Punishment is not meted out according to any established norms of penal servitude determined by the seriousness of the crime committed. The criterion is rather the degree of "re-education" which the criminal requires. What it amounts to is how many years in jail will be required to convince a man to be a good communist. At present, the death sentence is pronounced only in cases of premeditated murder, for treason and espionage in time of war and for organized banditry. The maximum prison term is fifteen years.

Until last year, the USSR had no body of federal laws comparable to the United States code. The legal codes of the individual republics had always been based on those of the Russian republic, which is the largest of the 15 Soviet states. In December, the Soviet legislators finally passed a national code which incorporates into law the legal reforms of the Khrushchev regime. Arbitrary police power as I described earlier has been broken. The "doctrine of analogy," made infamous by Andrey Vishinsky during the great purge trials of the 'thirties, has also been abandoned. Under this doctrine, a man accused of committing an act not specifically forbidden by law was tried and sentenced for committing the crime most closely similar to what he had done. Some of the legal provisions I have already mentioned are also the result of the new code, such as the right to defense counsel before a case comes to trial and setting the legal age of criminal responsibility at 16 years instead of the former 14. In general, the new code reduces the length of imprisonment for less serious offenses, while increasing those for major crimes.

All of these reforms are steps in the right direction, and have done much to life the weight of terror from the shoulders of the Russian people. Therefore, they are to be commended. But the new code does not go as far as either we or the Soviet citizen had hoped that it would. Before the code was published, there was much heated debate in Soviet legal circles on the presumption of innocence; this is a very healthy sign, and many lawyers thought that this would at last become a fundamental principle of Soviet justice. But no such basic safeguard over the rights of the individual was erected. In time it may be; at

least Soviet legal experts have begun to think in terms of individual rights which should be guaranteed under the law. We can only hope that this trend is allowed to continue. Ultimately, any further liberalizations of the law will come not from the juridical scientists or even from the Soviet law-making organs. They will come from the leaders of the Communist Party which remains the master and not the servant of the legal order. Whatever rights the Russian people come to enjoy will be handed them by the rulers of the Kremlin.